

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE FOREIGN EXCHANGE
BENCHMARK RATES ANTITRUST
LITIGATION

No. 1:13-cv-07789-LGS

**[PROPOSED] ORDER GRANTING PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION**

On May 31, 2018, Plaintiffs Aureus Currency Fund, L.P.; the City of Philadelphia, Board of Pensions and Retirement; Employees' Retirement System of the Government of the Virgin Islands; Employees' Retirement System of Puerto Rico Electric Power Authority; Fresno County Employees' Retirement Association; Haverhill Retirement System; Oklahoma Firefighters Pension and Retirement System; State-Boston Retirement System; Syena Global Emerging Markets Fund, LP; Systrax Corporation; Tiberius OC Fund, Ltd.; United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund; Value Recovery Fund L.L.C.; J. Paul Antonello; Marc G. Federighi; Thomas Gramatis; Doug Harvey; Izee Trading Company; John Kerstein; Michael Melissinos; Mark Miller; Robert Miller; Richard Preschern d/b/a Preschern Trading; Peter Rives; Michael J. Smith; and Casey Sterk filed a motion for class certification, seeking certification of claims brought pursuant to Sections 1 and 3 of the Sherman Act, 15 U.S.C. §§1, 3. The Court, having considered the parties' written submissions, the arguments of Counsel, prior filings, records, and proceedings, and for good cause appearing, hereby finds that:

- a. It is impracticable to bring all members of the proposed Classes before the Court;

- b. Questions of law and fact common to the proposed Classes are substantially similar and predominate over questions affecting individual members;
- c. The claims of the Plaintiffs are typical of the claims of the Classes;
- d. The Plaintiffs and their counsel will fairly and adequately represent and protect the interests of the proposed Class; and
- e. A class action is the superior method of proceeding with the claims to be litigated in this Action.

Based on the foregoing, and good cause appearing therefore, **IT IS HEREBY ORDERED:**

1. This Action is certified to proceed as a class action pursuant to Rules 23(a) and (b) of the Federal Rules of Civil Procedure as to the Sherman Act, 15 U.S.C. §§1, 3, claims on behalf of the following Classes:

- a. OTC Class: All persons who, between December 1, 2007 and December 31, 2013 (inclusive) entered into a total of 10 or more FX spot, forward, and/or FX swap trades directly with one or more Defendants in the 52 Affected Currency Pairs, where such persons were either domiciled in the United States or its territories or, if domiciled outside the United States or its territories, traded in the United States or its territories.
- b. Exchange Class: All persons who, between December 1, 2007 and December 31, 2013 (inclusive) entered into a total of 10 or more trades of FX futures contracts on a U.S. exchange.

2. Excluded from the Classes are the Defendants and their parents, subsidiaries, and affiliates, directors, and employees. Also excluded from these Classes are any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action. Finally, trades whose prices were set on the basis of benchmark rates, such as the WM/Reuters FX closing spot rates or the ECB reference rates, are excluded.

3. Plaintiffs are appointed as representatives of the Classes.

4. Pursuant to Federal Rule of Civil Procedure 23(g), Christopher M. Burke of Scott+Scott Attorneys at Law LLP and Michael D. Hausfeld of Hausfeld LLP are designated as Class Counsel for the Classes.

IT IS SO ORDERED.

Dated: _____

HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE